

REMARKS

In the April 6, 2009 Final Office Action, the Examiner rejects Claims 1-9 and 11-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0152117 ("Cristofalo") in view of U.S. Patent Application Publication No. 2006/0212904 ("Klarfeld").

Independent Claim 1

Applicants submit that the combination of Cristofalo and Klarfeld does not disclose or make obvious all the features of Claim 1. For example, neither Cristofalo nor Klarfeld discloses or suggests a preference determination module which generates one or more user profiles "comprising an interest parameter **indicative of an estimated time interval** during which the corresponding user is predicted to continue viewing the audiovisual advertisement," (emphasis added) as recited by Claim 1.

In particular, Cristofalo only discloses profiles indicative of subject matter of interest to the user. For example, Cristofalo discloses a user's profile based on being a Kansas state fan (*See, e.g.*, paragraph [0050]), and explains that the user can receive supplemental content (*e.g.*, audio broadcast) that is tailored to the user's subject matter interests. In the April 6, 2009 Final Office Action, the Examiner states that:

in Cristofalo, a user's profile that indicates that a user is a Kansas state fan would predict that a user would continue viewing a national championship football game between Kansas State University and Virginia Tech and said fan would probably be interested in receiving an audio broadcast and advertisements which are oriented towards their team during the broadcasting of said game (*See, e.g.*, page 16, lines 1-6 of Final Office Action).

However, Applicants submit that the Examiner incorrectly characterizes the disclosure of Cristofalo. Cristofalo does not teach or suggest that the user's profile would comprise a parameter that is indicative of an estimated time interval during which the user is predicted to continue viewing the national championship football game. Cristofalo merely discloses that a Kansas State football fan already watching a national championship football game involving Kansas State would probably be interested in receiving information oriented towards Kansas State (*See, e.g.*, paragraph [0050] of Cristofalo). Cristofalo does not disclose or suggest that the user's profile in any way is predictive of the length of time the user will continue watching the game. Therefore, Cristofalo fails to teach "an interest parameter indicative of an estimated time

interval during which the corresponding user is predicted to continue viewing the audiovisual advertisement.”

Similarly, Klarfeld only discloses using demographic profiles of the viewers (*See, e.g.*, paragraph [0240]) to choose particular advertisements to be displayed to a desired target audience. Klarfeld does not disclose or suggest that the demographic profiles comprise a parameter that is indicative of an estimated time interval during which the viewer is predicted to continue viewing the advertisement. Therefore, neither Cristofalo nor Klarfeld discloses or suggests “an interest parameter indicative of an estimated time interval during which the corresponding user is predicted to continue viewing the audiovisual advertisement,” as recited by Claim 1.

Cristofalo and Klarfeld also do not disclose or suggest “dynamically assembling the retrieved plurality of stored audiovisual advertising segments **in an appropriate order with the segments sequential to one another** to form the complete multi-segment audiovisual advertisement wherein **each of the segments is directed to a common subject** of the complete multi-segment advertisement,” (emphasis added) as recited by Claim 1. Cristofalo discloses forming an advertisement by selecting various media object (e.g., actors, voice, music, scenery, images), synchronizing the various objects, and concurrently presenting the objects to the viewer (*see, e.g.*, paragraph [0032] and [0050] of Cristofalo). Cristofalo uses the example of a synthetic talking head where the presentation and audio media objects are synchronized and presented concurrently with one another such that the head appears to actually speak the words provided in the audio media objects (*see, e.g.* paragraph [0032] of Cristofalo). Thus, the presentation and audio media objects of Cristofalo are presented concurrently, not sequentially, with one another, and are not presented in appropriate order. Klarfeld only discloses inserting ads of appropriate length in the allotted time slot (*see, e.g.* paragraph [0241]). Klarfeld is silent regarding the order of the ads inserted into the time slot, which would be irrelevant to fitting the ads into the time slot. Also, Klarfeld does not disclose that the various ads are directed to a common subject or form a complete multi-segment audiovisual advertisement. Therefore, neither Cristofalo nor Klarfeld disclose or suggest “dynamically assembling the retrieved plurality of stored audiovisual advertising segments in an appropriate order with the segments sequential to one another to form

the complete multi-segment audiovisual advertisement wherein each of the segments is directed to a common subject of the completed multi-segment advertisement,” as recited by Claim 1.

Furthermore, in the April 6, 2009 Final Office Action, the Examiner acknowledges that Cristofalo does not teach that (i) each audiovisual advertising segment has metadata which is indicative of the length of the audiovisual advertising segment and (ii) retrieving a plurality of stored audiovisual advertising segments from the storage subsystem based on the lengths of the stored audiovisual advertising segments (*see*, April 6, 2009 Final Office Action at page 4, lines 9-12). However, the Examiner states that Klarfeld teaches that stored ads “of the same type (i.e. same viewer’s demographic metadata) of appropriate length (i.e. advertising segments)” are inserted in the allotted time slot (*see*, April 6, 2009 Final Office Action at page 4, lines 14-16). The Examiner then concludes that it would have been obvious “to know that Cristofalo’s metadata would include the length of an advertising segment, as taught by Klarfeld in order to synchronize the targeting of ads.”

Applicants submit that Klarfeld discloses that the preference agent may select stored ads of appropriate length to insert in the allotted time slot (*See, e.g.*, paragraph [0241] of Klarfeld). Klarfeld’s selection of ads is not made by a comparison of the ad’s length to the user’s interest parameter, so Klarfeld does not disclose or suggest selecting stored audiovisual advertising segments “**based on the length of the stored audiovisual advertising segments in response to the interest parameter** corresponding to the user,” where the interest parameter is “indicative of an estimated time interval during which the corresponding user is predicted to continue viewing the audio visual advertisement,” (emphasis added) as recited by Claim 1. Therefore, the combination of Cristofalo and Klarfeld does not disclose or suggest “selecting and retrieving a plurality of stored audiovisual advertising segments from the storage subsystem based on the lengths of the stored audiovisual advertising segments in response to the interest parameter corresponding to the user,” as recited by Claim 1.

In the April 6, 2009 Final Office Action, the Examiner states that “it would have been obvious... to know that Cristofalo’s metadata would include the length of an advertising segment, as taught by Klarfeld in order to synchronize the targeting of ads.” (*see*, April 6, 2009 Final Office Action at page 4, lines 16-19). Applicants submit that the Examiner has failed to provide a rationale to combine the ads in Klarfeld with the metadata of Cristofalo. Applicants

submit that it is not clear how Klarfeld's insertion of ads of appropriate length in the allotted time slot (*see, e.g.* paragraph [0241] of Klarfeld), and Cristofalo's forming an advertisement by synchronizing and concurrently presenting the various media objects to the viewer (*see, e.g.*, paragraph [0032] and [0050] of Cristofalo) would "synchronize the targeting of ads." Thus, the Examiner has not provided a reasonable rationale or motivation to combine Cristofalo and Klarfeld, so the Examiner has not established a *prima facie* case of obviousness.

For at least the foregoing reasons, Applicants submit that Claim 1 is patentably distinguished over the combination of Cristofalo in view of Klarfeld. Applicants respectfully request that Claim 1 be passed to allowance.

Claims 2-9 and 11-37

Each of Claims 2-9 and 11-37 includes all the features of Claim 1 as well as other features of particular utility. Therefore, Claims 2-9 and 11-37 are patentably distinguished over Cristofalo in view of Klarfeld for at least the reasons set forth above with respect to Claim 1. Applicants respectfully request that Claims 2-9 and 11-37 be passed to allowance.

Claims 38-49

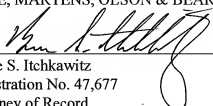
Claim 38 is patentably distinguished over the combination of Cristofalo and Klarfeld at least for reasons similar to those set forth above with respect to the patentability of Claim 1. Each of Claims 39-49 includes all the features of Claim 38 as well as other features of particular utility. Therefore, Claims 39-49 are patentably distinguished over the combination of Cristofalo and Klarfeld for at least the reasons set forth above with respect to Claim 38. Applicants respectfully request that Claims 38-49 be passed to allowance.

For at least the foregoing reasons, Applicants submit that Claims 1-9 and 11-49 are in condition for allowance, and Applicants respectfully request such action.

Respectfully submitted,

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